

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MICHAEL S. HART,**

**Plaintiff,**

**v.**

**JOSEPH R. BIDEN, JR.,**

**Defendant.**

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**Case No. 2:21-cv-4290**

**Chief Judge Algenon L. Marbley**

**Magistrate Judge Kimberly A. Jolson**

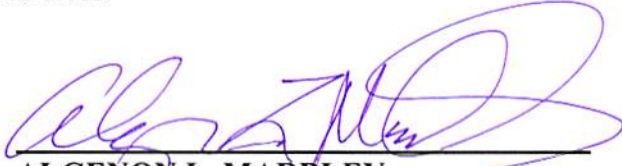
**ORDER ON REPORT AND RECOMMENDATION**

On January 19, 2022, the United States Magistrate Judge issued a Report and Recommendation (ECF No. 8) that the Court dismiss Plaintiff's Complaint under Federal Rule of Civil Procedure 41(b) for failure to prosecute. The Report and Recommendation specifically advised Plaintiff on his right to object within fourteen days and on the rights he would waive by failing to do so. (*Id.* at 4). No objection has been filed, and the deadline lapsed on February 2, 2022.

This is hardly surprising; the basis of the Report and Recommendation is Plaintiff's failure to apprise the Court of his changed address, as is his duty as a *pro se* litigant. *See Barber v. Runyon*, 1994 WL 163765, at \*1 (6th Cir. 1994). The Court's three mailings to Plaintiff's last known address all have been returned as undeliverable. (ECF Nos. 5, 7, 9). Given that Plaintiff has not apprised the Court of his current address, the Magistrate Judge correctly concluded that Plaintiff has failed to prosecute his case. Dismissal, therefore, is appropriate. *See Walker v. Cognis Oleo Chem., LLC*, 2010 WL 717275, at \*1 (S.D. Ohio Feb. 26, 2010).

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **DISMISSES** this case pursuant to Federal Rule of Civil Procedure 41(b). The Clerk is instructed to serve this Order on Plaintiff's last known address.

**IT IS SO ORDERED.**

  
**ALGENON L. MARBLEY**  
**CHIEF UNITED STATES DISTRICT JUDGE**

**DATED: February 8, 2022**